

Taiwan - United States Department of State

TAIWAN: Tier 1

Taiwan authorities fully meet the minimum standards for the elimination of trafficking. Authorities continued to demonstrate serious and sustained efforts during the reporting period; therefore Taiwan remained on Tier 1. These efforts included improved interagency coordination to combat trafficking; new policy initiatives intended to streamline investigations; continued oversight of vulnerable labor recruitment channels; and increased inspections and investigatory referrals of potential forced labor cases on fishing vessels. Although Taiwan met the minimum standards, significant challenges remained unaddressed. Official stakeholders operated under disparate and often ineffective victim identification procedures, complicating some victims' access to justice and protective care. Insufficient staffing and inspection protocols continued to impede efforts to combat forced labor on Taiwan-flagged and -owned fishing vessels in the highly vulnerable Distant Water Fleet (DWF). Thousands of migrant domestic caregivers remained at higher risk of exploitation in the absence of specific legislation ensuring their labor rights.

PRIORITIZED RECOMMENDATIONS:

Increase efforts to prosecute and convict traffickers under the anti-trafficking law. • Sentence convicted traffickers to adequate penalties, which should include significant prison terms. • Increase inspections and, where appropriate, prosecute the senior crew and owners of Taiwan-owned and -flagged fishing vessels suspected of forced labor in the DWF, including vessels stopping in special foreign docking zones. • Enact and implement policies to expedite maritime forced labor investigations and reduce suspect flight. • Conduct comprehensive, victim-centered interviews to screen foreign fishing crewmembers for forced labor indicators during portside and at-sea vessel inspections. • Train maritime inspection authorities on victim identification, referral, and law enforcement notification procedures. • Formally include civil society input into the labor broker evaluation process. • Amend relevant policies and legislative loopholes to eliminate the imposition of all recruitment and service fees and deposits on workers, and by coordinating with sending countries to facilitate direct hiring. • Strengthen oversight of all foreign worker recruitment and placement agencies and processes to screen for abuse indicators, including illegal fee requirements and contract discrepancies. • Strengthen efforts to screen for trafficking among vulnerable populations, including foreign students recruited to for-profit universities; individuals returned to Taiwan in connection with alleged overseas criminal activity; and foreign workers falling out of visa status within Taiwan after fleeing abusive working conditions and/or surrendering to immigration authorities under the voluntary departure program, and refer them to protective services. • Allocate increased resources for and streamline the maritime inspection process by requiring DWF vessels to use standard international maritime call signs, and by registering all Taiwan-owned and -flagged fishing vessel names, licenses, authorized operation areas, and foreign-hired crew manifests in a single, standardized database system. • Clearly define roles and responsibilities for, and increase coordination between, the agencies that oversee Taiwan-owned and -flagged fishing vessels. • Enact legislation that would

address gaps in basic labor protections for household caregivers and domestic workers. • Enact a full ban on the retention of migrant workers' identity and travel documentation. • Extend trafficking victim identification authority to key stakeholder agencies. • Increase resources for and implement anti-trafficking training for police, prosecutors, and judges. • Strengthen efforts to publicize the foreign worker trafficking hotline number among migrant crewmembers of Taiwan-owned and -flagged fishing vessels.

PROSECUTION

Authorities maintained law enforcement efforts. The Human Trafficking Prevention and Control Act (HTPCA) criminalized all forms of trafficking and prescribed penalties of up to seven years' imprisonment and fines up to five million New Taiwan Dollars (NT) (\$166,990); these penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Observers noted ambiguities in HTPCA provisions complicated implementation in cases where victims received some financial compensation. Other HTPCA provisions protected laborers from having to remit "unreasonable payments of debt" to brokers or supervisors; observers expressed concern that these provisions were too vague to effectively prevent debt-based coercion. HTPCA amendments enacted in 2018 increased penalties to a maximum of one year in prison and a possible fine of 300,000 NT (\$10,020) for individuals who, "through recruitment, seduction, shelter, arrangement, assistance, exploitation, or other means, cause a child to act as a host or hostess in a bar or club or engage in acts associated with tour escort and singing or dancing companion services that involve sexual activities." The amendment prescribed a maximum penalty of five years' imprisonment and a possible fine of 1.5 million NT (\$50,100) for such crimes committed by means of "violence, coercion, drugs, fraud, hypnosis, or other means violating the free will of the child or youth concerned." To address some of the aforementioned shortcomings, an interagency working group continued to seek civil society input into additional draft amendments to the HTPCA, which remained in process at the end of the reporting period. Authorities continued to prosecute the majority of trafficking cases under other laws in the criminal code and the Child and Youth Sexual Exploitation Prevention Act (CYSEPA); some penalties prescribed for child sex trafficking offenses under these laws were not sufficiently stringent or commensurate with other grave crimes, such as rape, although other laws retained appropriate penalties.

Authorities conducted 143 trafficking investigations (32 labor trafficking and 111 sex trafficking) in 2019, compared with 166 total investigations in 2018 and 125 in 2017. Authorities newly prosecuted 122 individuals in 2019 (compared with 113 total in 2018, 248 in 2017, and 128 in 2016). This figure included 48 individuals tried under the CYSEPA, 23 under the HTPCA, and 51 under other laws and sections of the criminal code. The 23 individuals tried under HTPCA included nine charged with sex trafficking and 14 charged with labor trafficking. Authorities obtained a total of 50 convictions, including seven convictions for forced labor and 43 for sex trafficking (50 total in 2018 and 62 in 2017). In one illustrative case in December, a Kaohsiung court concluded prosecutions initiated in 2017 against 19 individuals for allegedly subjecting over 80 foreign fishermen to forced labor; seven of the defendants were convicted and sentenced to prison terms ranging from 10 to 18 months. In prior years, authorities ascribed the tendency to impose lenient penalties to Taiwan's judicial evaluation and promotion system, which reportedly penalized

judges if courts granted convicted individuals' appeals to overturn or shorten their sentences. However, for the second consecutive year, sentences imposed on the majority of convicted traffickers (at least 27) were greater than one year imprisonment. Authorities continued to train law enforcement officers, prosecutors, and judges through a wide range of workshops, seminars, and conferences. Nonetheless, authorities and NGOs noted court personnel perceiving cases as labor disputes rather than trafficking crimes hindered effective prosecution of labor trafficking cases. Labor rights groups alleged some low-level corruption among local officials impeded action against forced labor in the fishing industry. Authorities did not report any investigations, prosecutions, or convictions of officials complicit in human trafficking offenses. Despite international law enforcement challenges presented by Taiwan's unique diplomatic status, authorities successfully conducted joint anti-trafficking investigations with Vietnam and Belgium.

Authorities reported 2,813 inspections of recruitment brokers in 2019 (compared with 2,827 in 2018; 2,701 in 2017; 2,429 in 2016; and 1,822 in 2015). However, unlike last year, they did not report any criminal investigations, prosecutions, convictions, or incarcerations of brokers engaged in illegal acts contributing to trafficking vulnerabilities. The Fisheries Agency (FA) reported conducting random inspections on 198 fishing vessels at domestic ports, foreign ports, and for the second consecutive year, on the high seas (139 in 2018; unreported in 2017). Inspectors uncovered 88 violations relating to contract issues, excessive overtime, and wage discrepancies (120 in 2018); authorities referred six of these vessels to prosecutors for investigation into possible violations of the Human Trafficking Prevention Act (three in 2018). Despite some improvements, civil society groups continued to decry systemic shortcomings in Taiwan's maritime anti-trafficking law enforcement, exacerbated by DWF ships' ability to operate without using standard international registration systems and by the absence of a single electronic database containing vessel names, licenses, crew manifests, and authorized areas of operation. Division of responsibility for foreign fishermen between the Ministry of Labor (MOL) and the FA continued to hinder prosecution of maritime forced labor. According to judicial officials, bureaucratic lags generated by complicated reporting hierarchies also impeded timely law enforcement response in maritime cases, allowing some alleged perpetrators to flee long before the competent authorities could begin formal investigations. In an effort to mitigate these delays, Taiwan's interagency anti-trafficking task force worked with the FA to produce a draft policy granting police the authority to initiate maritime forced labor investigations immediately upon receipt of complaints, rather than following lengthier bureaucratic approval processes. The policy remained in draft at the end of the reporting period.

PROTECTION

Authorities maintained protection efforts. By law, only police and prosecutors could formally identify victims, while MOL, the FA, the National Immigration Agency (NIA), and other relevant stakeholders were required to follow complex notification procedures to report possible victim status. NGOs and prosecutors believed some victims went undetected under this arrangement; as such, they continued to advocate for authorities to allow social workers, labor inspectors, immigration officials, and other stakeholders to independently identify victims as well. NGOs also continued to report cases in which judges disagreed with law enforcement officers' or prosecutors' prior identification of victims and therefore dismissed

relevant trafficking charges. Law enforcement authorities used standardized questions and evaluation forms when interviewing and referring potential trafficking victims, including among foreigners accused of having committed immigration violations. During the reporting period, they identified 300 trafficking victims (198 exploited in sex trafficking and 102 in forced labor), of which they referred 202 to shelters for assistance, compared with 302 identified and 216 referred to shelters in 2018. Of the 300 victims identified, 169 were foreign and 98 were children.

NGOs and official stakeholders continued to stress the need for Taiwan to pass a long-stalled domestic worker protection bill that would mandate hours of rest, days off, and annual leave. Amendments to the Employment Services Act that entered into force during the previous reporting period required employment agencies to report abuses their clients committed against migrant workers—especially foreign household caregivers—or face severe fines. The amendments also banned employers from retaining passports, work permits, or any identity documents of migrant domestic workers and fishermen without their consent. Civil society groups argued these amendments were insufficient to deter forced labor, as employers were reportedly able to threaten migrant workers into “voluntarily” turning over their identity documentation. Lawmakers reported easing respite care regulations in 2018 to encourage employers to grant workers annual leave, ostensibly mitigating a key freedom of movement concern for migrant workers employed as household caregivers. However, NGOs claimed these legislative reforms did little to enhance migrant domestic worker protections in implementation; instead, they called for an amendment to bring migrant domestic workers under the broader protections and jurisdictions outlined in Taiwan’s Labor Standards Act.

NIA operated two shelters dedicated to foreign trafficking victims who had not acquired work visas. Citing security concerns, authorities limited shelter access for victims from the People’s Republic of China to NIA shelters, while other nationals could access a wider array of NGO shelter services. MOL significantly increased its budget for overall victim protection to 18 million NT (\$601,160) in 2019 under Taiwan’s Employment Security Fund (10.75 million NT (\$359,030) in 2018 and 10.34 million NT (\$345,330) in 2017), of which it used 6.84 million NT (\$228,440); NIA also spent 13.52 million NT (\$451,540) for operation of the two shelters. NIA shelters provided both male and female trafficking victims with medical and psychological services, legal counseling, vocational training, small stipends, language interpretation, and repatriation assistance; authorities reported offering these services to a total of 2,697 foreign individuals, among whom 1,081 received interpretation assistance and 14 received legal aid (unreported in 2018). MOL subsidized an additional 22 “resettlement facilities” and operated a 24-hour hotline that trafficking victims could access; it received two calls related to possible sex trafficking and three related to suspected cases of forced labor (60 total in 2018). Unlike in prior years, MOL reported successfully identifying one forced labor victim through the hotline and referring the individual to protection services. Observers noted that migrant crewmembers aboard vessels in the DWF may have had difficulties accessing hotlines due to limited awareness of their existence and restrictions on their communication imposed by senior vessel crew. NIA also ran a 24-hour Chinese-English hotline, through which it received and investigated nine reports of possible sex trafficking and 11 reports of suspected forced labor; this led to the positive identification and referral of one victim (none in 2018). The National Police Agency also maintained a hotline, through which it reportedly identified and referred five victims of trafficking. Civil society contacts continued to call for

expansion of formal victim designation authority in order to enhance identification through these and other channels.

Authorities encouraged victims to participate in their traffickers' criminal investigations by allowing them to testify outside of the courtroom or through video equipment. During the reporting period, the Judicial Yuan collected feedback from civil society organizations on enhancing victim participation in litigation procedures. This consultative process culminated in amendments to the code of criminal procedure requiring judges to protect the identities of victims and their families, including by separating victims from the accused during trial proceedings. The amendments also newly established that victims, or their representatives, can question defendants, and that they can formally express their opinions on all evidence presented and sentences imposed as part of the litigation process. Authorities conferred 56 temporary residence permits and 57 temporary work permits to foreign victims—a decrease from 90 and 88, respectively in 2018, and 126 and 159, respectively in 2017—but they extended 107 temporary residence permits conferred in a previous reporting period (unreported in 2018). MOL authorities provided repatriation assistance to 21 Taiwan victims overseas under the auspices of work visas, and NIA reported providing repatriation assistance to 38 Taiwan victims without work visas (66 total in 2018; 39 total in 2017). Authorities permitted victims to obtain compensation through out-of-court settlements or file civil suits against traffickers but required them to provide all relevant evidence themselves. The Legal Aid Foundation, which the Judicial Yuan funded, continued to seek compensation for hundreds of Indonesian caregivers subjected to wage withholding by an unscrupulous broker prior to the enactment of the HTPCA in 2008. At year's end, 254 valid applicants had settled with the accused and received an unspecified amount of compensation. District courts accepted five additional civil suits related to trafficking, four of which they concluded in favor of the plaintiffs with compensation orders totaling over 18.7 million NT (\$624,540).

Taiwan's Labor Standards Act did not protect fishing workers hired overseas, who instead fell under the jurisdiction of the FA. The FA maintained regulations that standardized fishing workers' employment contracts, set a minimum wage with direct payment options, provided medical and life insurance, unified working hours and rest time, and established access to new complaint mechanisms. However, NGOs remained concerned that the minimum compensation established in these regulations remained below Taiwan's broader minimum wage and that senior vessel crew continued to delay or withhold salary remittance in violation of contractual pay schedules, leaving some foreign fishing workers vulnerable to debt-based coercion. Civil society contacts described the FA's purview over Taiwan fishermen's associations—which played a role in the approval of labor recruitment systems—as a possible conflict of interest. Some anti-trafficking activists alleged harassment by fishermen's associations purported to have close ties with local FA authorities. Observers reported insufficient FA oversight mechanisms in the DWF were permissive of forced labor and other abuses. In an effort to enhance this oversight, authorities passed a resolution outlining legislative "harmonization" with the contents of the International Labor Organization's Work in Fishing Convention (C188); the new language required standardized working conditions and benefits and raised the minimum wage for DWF and near-water migrant fishermen. However, implementation measures remained under consideration at the end of the reporting period. Proposed amendments to the HTPCA improving the victim identification process and expanding victim benefits, including by increasing visa validity to trigger eligibility for national health insurance, remained in draft at the

end of the reporting period for a second year.

Taiwan law provided victims with immunity for unlawful acts their traffickers compelled them to commit. Although there were no new allegations of victim penalization in 2019, civil society contacts reported limited or inconsistent understanding of trafficking among front-line law enforcement officers and judges, compounded by high turnover impacting institutional memory, continued to leave victims vulnerable to temporary detention, fines, and jail time. In 2018, authorities detained and initiated criminal investigations into 32 Taiwan individuals formally identified by the Slovenian government as victims of forced criminality in telephone scam operations. Taiwan authorities rejected their prior victim designation, after district attorneys conducted two interviews during which they reported carrying out standard victim identification procedures. In 2019, authorities began prosecuting the leaders of the scam under the HTPCA. Judicial officials reported initiating prosecutions against all 32 of these workers on the grounds that they had allegedly entered into the scam of their own volition and were subsequently forced to continue the work; however, citing their “simultaneous victim status,” authorities prosecuted them under charges carrying lesser penalties. The cases were in process at the end of the reporting period.

PREVENTION

Authorities increased some efforts to prevent trafficking. A cabinet-level minister-without-portfolio continued to implement the national plan of action and oversee an interagency working group that met semiannually. The working group maintained two subgroups—one to focus on domestic workers and the other on migrant fishermen—that convened meetings more frequently and included participation from NGOs and academics. Various agencies continued to fund advertisements, public service announcements, and other materials on trafficking and held trainings for vulnerable populations, including youth, foreign workers, and fishing sector workers. The FA distributed multilingual cards containing information on worker rights and hotline numbers to foreign crewmembers during random inspections of ships docking at certain foreign ports. Authorities continued to operate international airport service counters and foreign-worker service stations around Taiwan to assist foreign workers and educate them on their rights. The FA conducted 199 random inspections of fishing vessels—82 in domestic ports, 74 at foreign ports, and 43 on the high seas—employing a total of approximately 3,500 foreign crewmembers (139 vessels involving 798 crewmembers in 2018; unreported in 2017).

Regulations promulgated in 2017 ostensibly aimed at better protecting foreign fishermen contained provisions allowing brokers to charge unlimited fees for recruitment and unspecified “reasonable service items,” which likely perpetuated debt-based coercion. During the reporting period, MOL commissioned a local university to conduct a study on the efficacy of these regulations in protecting foreign workers hired overseas into Taiwan’s fishing industry; the study issued several recommendations to improve hiring procedures and oversight into labor conditions. The FA also amended the regulations in October 2019 to strengthen language requiring brokers and/or vessel owners to explain crewmembers’ rights prior to signature of contracts.

In an effort to reduce dependence on recruitment brokers, MOL held informational sessions to educate members of various industries on direct hiring options. An

online direct hiring service center allowed employers to hire foreign workers without utilizing brokers who may charge illegally excessive fees; however, a relatively small number of employers listed vacancies through the service, and NGOs reported it was seldom in use. Authorities also began piloting a small direct-hire program to bring foreign workers into Taiwan's agricultural sector, but civil society contacts claimed the program had benefited only a handful of Indonesian migrant workers and was not designed to adequately screen for sending countries' compliance with recruitment fee elimination or other vulnerabilities. Most employers continued to deem it easier and more expedient to use brokers, and labor rights groups continued to call on the authorities to eliminate legal loopholes that enable excessive fees. Taiwan maintained a broker evaluation system initiated in 2015 that could revoke the business licenses of low-scoring brokerage firms and impose fines for certain violations, including imposition of illegal fees. However, civil society observers were concerned it could not be sufficiently objective or accurate in detecting abuses, including forced labor, because the authorities provided brokers with advance notification prior to inspections. Human rights NGOs claimed the system would be more effective with unannounced inspections and if the authorities granted NGOs a role in the formal approval and licensure review process. The FA reported inspecting 43 recruitment agencies, of which it fined two (four in 2018; six in 2017) and suspended two businesses for various violations (seven in 2018; five in 2017). Taiwan's laws criminalized sexual exploitation of children by Taiwan passport holders traveling abroad, but authorities have not investigated or prosecuted any child sex tourism offenses committed abroad since 2006. Authorities have signed memorandums of understanding on trafficking prevention with 20 countries, but contacts report Taiwan's unique diplomatic status limited opportunities for bilateral or multilateral cooperation. Among these agreements, some did not outline adequate screening for forced labor aboard Taiwan-owned or -flagged vessels docking at certain designated foreign vessel harbor areas. Authorities made efforts to reduce the demand for commercial sex acts, including through Tourism Bureau awareness campaigns and industry training sessions. To reduce vulnerability to immigration-based coercion, NIA continued implementing a "voluntary departure program" initiated in 2018 offering reduced penalties to foreign individuals overstaying their visas, including a small fine without detention and a shorter re-entry ban, if they willingly turned themselves in. More than 26,000 foreign nationals benefited from this program during the first half of 2019—a significant increase from 2,300 in early 2019; authorities reported carrying out standard trafficking victim identification procedures among these individuals, but they did not report identifying or referring any victims to protection services as part of the process. NIA published print and television advertisements explaining the process in several key demographic languages and established a hotline for self-reporting.

TRAFFICKING PROFILE

As reported in the last five years, human traffickers subject foreign men and women to forced labor and sex trafficking in Taiwan, and traffickers subject local men and women to forced labor and local women and children to sex trafficking. Taiwan women and children are subjected to domestic sex trafficking, including as part of an increasing trend in which traffickers induce and exploit Taiwan and foreign women's and children's drug addictions. Taiwan traffickers increasingly use the internet, smartphone apps, livestreaming, and other such online technologies to conduct recruitment activities, often targeting child victims, and to mask their

identities from law enforcement. Taiwan traffickers also exploit persons with disabilities in sex trafficking.

Traffickers lure women from China and Southeast Asian countries to Taiwan through fraudulent marriages and deceptive employment offers for purposes of sex trafficking. Many trafficking victims are migrant workers from Indonesia, the Philippines, Thailand, Vietnam, and, to a lesser extent, individuals from China, Cambodia, and Sri Lanka. Taiwan is host to more than 700,000 foreign workers, most of whom are hired in their home countries through recruitment agencies and brokers—including some from Taiwan—to perform low-skilled work as home caregivers and domestic workers, or in farming, manufacturing, meat processing, construction, and fishing. In order to pay brokers' often exorbitantly high recruitment fees and deposits, some foreign workers incur substantial debts, which the brokers or employers use as tools of coercion to obtain or retain their labor. After recruitment fee and guarantee deposit repayments are garnished from their wages, many foreign workers in Taiwan earn significantly less than the minimum wage. Foreign workers who leave their contracted positions—nearly 50,000 at any given time—are at particularly high risk of trafficking because they lose their immigration status and access to formal sector employment; some of them initially flee due to abusive work conditions, including forced labor. Domestic workers and home caregivers are also especially vulnerable to exploitation, since they often live in their employers' residences, making it difficult to monitor their working and living conditions. One NGO survey found that 90 percent of all migrant domestic caregivers have their travel and identity documents withheld by their employers as a coercive measure. Brokers in Taiwan sometimes assist employers in forcibly deporting “problematic” foreign employees should they complain, enabling brokers to fill the empty positions with new foreign workers facing continued debt-based coercion. Some traffickers use Indonesian-owned stores in Taiwan as illegal remittance channels, confining Indonesian workers and subjecting them to sex trafficking. Traffickers reportedly take advantage of Taiwan's “New Southbound Policy” visa-simplification program to lure Southeast Asian students and tourists to Taiwan and subject them to forced labor and sex trafficking. According to NGOs, more than 200 for-profit universities in Taiwan have begun aggressively recruiting foreign students—particularly Indonesians—and subsequently placing them into exploitative labor conditions under the pretense of educational opportunities. These students are often unaware of the work component prior to arrival and reportedly experience contract switching, prohibitive working hours, and poor living conditions contrary to their original agreements.

Documented and undocumented Chinese, Indonesian, Filipino, and Vietnamese fishermen working on Taiwan-owned and -flagged fishing vessels experience non- or under-payment of wages, long working hours, physical abuse, lack of food or medical care, denial of sleep and substandard safety equipment, and poor living conditions while indebted to complex, multinational brokerage networks. Migrant fishermen have reported senior crewmembers employ such coercive tactics as threats of physical violence, beatings, withholding of food and water, retention of identity documents, wage deductions, and non-contractual compulsory sharing of vessel operational costs to retain their labor. These abuses are particularly prevalent in Taiwan's DWF, comprising approximately 1,400 Taiwan-owned and -flagged fishing vessels operating thousands of miles from Taiwan and without adequate oversight. Senior crew force migrant workers to fish illegal stock, including threatened, endangered, and protected species, placing them at higher risk of criminal repercussions. Many ships remain at sea for years at a time, selectively

disabling their transponders and stopping at “refrigeration mother ships” or remote, uninhabited islands to resupply, transfer victims to other ships, and offload illegally caught fish while avoiding detection by law enforcement. According to FA estimates, approximately 8,000 Filipinos and more than 20,000 Indonesians work onboard DWF vessels. Men and women from Taiwan engaged in telephone scams overseas reportedly present indicators of trafficking.